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March 16, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20036

RE: In the Matter of Amendment of Part 21 of the Commission's Rules for the Domestic
Public Fixed Radio Services
CC Docket No. 93-2

Dear Ms. Searcy:

Attached are the original and five copies of the Comments of Sprint Corporation in the proceeding referenced above.

Sincerely,

Jay C. Keithley
Jay C. Keithley

Attachment

JCK/mlm

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
) CC Docket No. 93-2
Amendment of Part 21 of the)
Commission's Rules for the Domestic)
Public Fixed Radio Services)

COMMENTS OF SPRINT CORPORATION

Sprint Corporation (Sprint), on behalf of the United Telephone companies, the Centel Telephone companies, and Sprint Cellular Company (formerly Centel Cellular Company), hereby submits comments in response to the Commission's Notice of Proposed Rulemaking (Notice), released February 9, 1993, in the matter described above.

In the Notice, the Commission proposes to modify Part 21 of its Rules to allow carriers to begin construction of Point-to-Point Microwave Service (PPMS) facilities prior to grant of an authorization. The Commission also proposes to revise or eliminate several reporting requirements for all Part 21 applicants. Specifically, the Commission proposes to:

1) Permit PPMS applicants (including applicants seeking to modify existing licenses) to start construction of proposed facilities upon filing FCC Form 494 (Application for a New or Modified Microwave Radio Station License);

2) Eliminate FCC Form 494A (Certificate of Completion of Construction) for PPMS applicants and thereby permit a PPMS

applicant to commence operation upon grant of a conditional license;

3) Reduce the construction period for PPMS conditional licenses from 18 months to six months;

4) Eliminate FCC Form 430 to report Part 21 licensees qualification information and modify FCC Form 494 to include such information;

5) Eliminate FCC Forms 702 (Application for Consent to Assignment of Radio Station Construction Authorization or License) and 704 (Application for Consent to Transfer of Control) by creating a new Form 705 to report information currently required by FCC Forms 702 and 704.

The Commission tentatively concludes that these revisions will serve the public interest by reducing construction costs, by expediting the introduction of new and improved services, and by streamlining the regulatory process. With one significant exception, Sprint supports the proposed revisions.

Sprint Cellular Company filed comments in support of McCaw Cellular Communications, Inc.'s Petition for Rulemaking which was also intended to expedite the delivery of PPMS.¹ In the Notice, the Commission tentatively concludes that its proposals regarding construction achieve the principal objective of McCaw's petition. Sprint respectfully disagrees. The shortcoming of the Commission's proposal is the substantial delay that could

1. Petition for Rulemaking (RM-7861) filed October 16, 1991, by McCaw Cellular Communications, Inc.

continue to occur before newly constructed or modified facilities become operational.

The McCaw proposal -- use of the current temporary-fixed microwave licensing procedures to initiate permanent point-to-point microwave service -- would permit a carrier with a blanket authorization to begin operation of its facilities by notifying the Commission at least five days before the facilities are to become operational. While the Commission's proposal would speed up the construction of new or modified facilities, operation could not begin until an authorization is granted. As Sprint Cellular noted in its comments, authorization grants can take as long as 90 days from the date the FCC Form 494 is filed.² Sprint suggests an additional modification of the Rules that would make the Commission's proposal more comparable to the McCaw proposal and at the same time address the Commission's major concern -- protecting the integrity of the frequency coordination process.

The Commission expresses concern that a carrier using the temporary-fixed procedures could have its microwave facilities in operation for five months before other parties have an opportunity to verify that the frequencies contained in an application are the same as the prior coordinated frequencies. This problem can be resolved by timely publication of a Commission notice listing the applications (including pertinent

2. The United Telephone companies have experienced delays exceeding six months.

frequency information) that have been filed.³ Other parties could then verify that frequencies shown on the application are the same as the prior coordinated frequencies. In the mean time, the carrier could commence construction. If no party objects to the application within 30 days after its public notice appearance, the carrier would be free to begin operation of its facilities when construction is completed. The Commission's review of the application would, of course, continue, and the carrier would operate the facilities at its own risk until final authorization is received.⁴

Regarding the Notice's other streamlining measures, Sprint supports the Commission proposals. Sprint agrees with the Commission that the administrative burdens of completing, submitting and processing Form 494A outweigh any benefits of the form. Sprint also agrees that including licensee qualification information on Form 494 will further reduce regulatory burdens, as will combining Forms 702 and 704 into a new single Form 705.

3. For example, the Commission's Tariff Division publishes daily a tariff log which lists tariff transmittals filed by carriers on the previous day. The tariff log serves as notice to parties that may wish to file a pleading regarding a transmittal.

4. Sprint accepts the Commission's six conditions that must be satisfied before pre-authorization construction commences. Compliance with these conditions for pre-authorization construction benefits all parties. As a matter of course, Sprint satisfies these conditions prior to submitting FCC Form 494. Sprint also accepts the risk of halting construction if a petition to deny is filed by another party and of halting construction and/or operation if an application is found by the Commission to be defective.


Finally, Sprint does not object to reducing the construction period for PPMS if Part 21 applicants can commence construction at the time Form 494 is filed.

CONCLUSION

Sprint uses PPMS extensively in its cellular and local telephone operations, and, thus, has considerable experience with the Commission's PPMS authorization process. As Sprint Cellular explained in its comments supporting the McCaw petition, the Commission's current procedures for securing permanent microwave authority pose substantial practical difficulties for services providers, and ultimately, for their customers. Despite the dedication of the Commission's staff, the current procedures result in significant delays, as documented in the Sprint Cellular comments, in implementing new and improved service to the public. To reduce these costly delays as quickly as possible, Sprint urges the Commission to act expeditiously to modify its Rules to speed up not only construction of PPMS facilities, but also the commencement of operations.

Respectfully submitted,

SPRINT CORPORATION

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Their Attorney

March 16, 1993

CERTIFICATE OF SERVICE

I, Melinda L. Mills, hereby certify that I have on this 16th day of March, 1993, sent via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Comments of Sprint Corporation" in CC Docket No. 93-2, filed this date with the Secretary, Federal Communications Commission, to the persons listed below.

ITS
1919 M Street, N.W.
Room 246
Washington, D.C. 20554


Melinda L. Mills